

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILBERT NAPOLEON, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

Case No.: 2:24-CV-00186-BJR

**JOINT MOTION TO CONSOLIDATE
AND ORDER**

JOINT REQUEST TO CONSOLIDATE THE RELATED ACTIONS

Pursuant to Federal Rule of Civil Procedure 42(a), all parties in this action and the actions entitled *Gianne v. Amazon.com, Inc.*, No. 2:24-cv-309-BJR and *Peterson v. Amazon.com, Inc.*, No. 2:24-cv-364-BJR (together the “Related Actions”) have conferred through counsel and jointly and respectfully request that the Court consolidate the Related Actions into a single consolidated action.

Under Rule 42(a), “[i]f actions before the court involve a common question of law or fact, the court may ... consolidate the actions.” Fed. R. Civ. P. 42(a). Once a court identifies a common question of law or fact, it generally weighs “the savings of time and effort consolidation will produce against any inconvenience, delay, confusion, or prejudice that may result.” *Rittmann v. Amazon.com, Inc.*, No. C16-1554-JCC, 2019 WL 2994634, at *1 (W.D. Wash. July 9, 2019).

Here, the Parties agree that the Related Actions should be consolidated because they involve the same defendant (Amazon) and overlapping factual and legal issues. Plaintiffs in the

Related Actions each allege that Amazon breached the contract with its annual Amazon Prime subscribers when it allegedly raised the price by an additional \$2.99 per month for Prime Video — one of the benefits of Amazon Prime — during the contract period. Plaintiffs in the Related Actions assert overlapping legal claims, asserting that Amazon’s conduct with respect to Prime Video constitutes a breach of contract and breach of the implied covenant of good faith and fair dealing, and violates the Washington Consumer Protection Act and other state consumer protection statutes. There is also substantial overlap across the proposed classes in the Related Actions, which all include customers who purchased annual Amazon Prime subscriptions. Given the common defendant and significant overlap in factual and legal issues, the interests of judicial economy support consolidation of the Related Actions.

PROPOSED NEXT STEPS

The Parties respectfully request that the Court (i) consolidate the Related Actions and any pending or future related actions in this District relating to an alleged price increase for Prime Video and/or the inclusion of advertising content with Prime Video, (ii) order Plaintiffs in the Related Actions to file a consolidated amended complaint, (iii) designate this action, the first-filed of the three Related Actions, as the main docket for the consolidated action, and (iv) vacate any prior scheduling orders and initial deadlines in each of the Related Actions. The Parties also respectfully request that Court enter the following case schedule in the consolidated action:

Event	Deadline
Deadline for Plaintiffs’ counsel in the Related Actions to file cross-motions seeking appointment as interim class counsel, pursuant to Fed. R. Civ. P. 23(g)(3)	14 days after the Court’s order on consolidation
Deadline to file a Consolidated Amended Complaint (“CAC”)	30 days after the order appointing lead interim class counsel
Deadline for Amazon to respond to the CAC	30 days after the CAC is filed

1 Dated: April 26, 2024

Respectfully submitted,

2 FENWICK & WEST LLP

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4 By /s/ Brian D. Buckley

Brian D. Buckley, WSBA No. 26423
401 Union Street, 5th Floor
Seattle, WA 98101
Telephone: 206.389.4510
Facsimile: 206.389.4511
Email: bbuckley@fenwick.com

8 *Attorneys for Defendant*
9 AMAZON.COM, INC.

10
11 DOVEL & LUNER, LLP

12 By /s/ Jonas B. Jacobson

13 Jonas B. Jacobson (*pro hac vice*)
14 Christin Cho (*pro hac vice*)
15 Simon Franzini (*pro hac vice*)
201 Santa Monica Blvd., Suite 600
Santa Monica, CA 90401
Telephone: (310) 656-7066
16 Facsimile: (310) 656-7069
17 Email: jonas@dovel.com
Email: christin@dovel.com
18 Email: simon@dovel.com

19 CARSON & NOEL PLLC
20 Wright A. Noel, WSBA No. 25264
20 Sixth Avenue NE
21 Issaquah WA 98027
Telephone: 425.395.7786
22 Facsimile: 42.837.5396
23 Email: wright@carsonnoel.com

24 *Attorneys for Plaintiff*
25 WILBERT NAPOLEON
26
27
28

TOUSLEY BRAIN STEPHENS PLLC

By /s/ Kim D. Stephens, P.S.
Kim D. Stephens, P.S., WSBA No. 11984
Rebecca L. Solomon, WSBA No. 51520
1200 Fifth Avenue, Suite 1700
Seattle, WA 98101
Telephone: 206.682.5600
Facsimile: 206.682.2992
kstephens@tousley.com
rsolomon@tousley.com

Attorneys for Plaintiffs
NATALIE GIANNE & Proposed Class

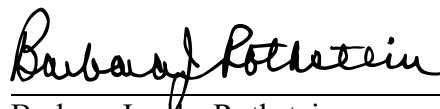
SIRI & GLIMSTAD LLP

By /s/ David J. DiSabato
David J. DiSabato (*pro hac vice* to be filed)
Lisa R. Considine (*pro hac vice* to be filed)
Oren Faircloth (*pro hac vice* to be filed)
745 Fifth Avenue, Suite 500
New York, NY 10151
Telephone: 212.532.1091
Facsimile: 646.417.5967
Email: ddisabato@sirillp.com
Email: lconsidine@sirillp.com
Email: ofaircloth@sirillp.com

Attorneys for Plaintiffs
TIMOTHY PETERSON & Proposed Class

IT IS SO ORDERED.

DATED this 13th day of May, 2024.



Barbara Jacobs Rothstein
U.S. District Court Judge

1 Presented by:
2 FENWICK & WEST LLP

3 By: /s/ Brian D. Buckley
4 Brian D. Buckley, WSBA No. 26423

5 401 Union Street, 5th Floor
6 Seattle, WA 98101
7 Telephone: 206.389.4510
8 Facsimile: 206.389.4511
9 Email: bbuckley@fenwick.com

10 *Attorneys for Amazon.com, Inc.*
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